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10/583,020	12/14/2006	Alain Rhelimi	09669/089001	6968

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EXAMINER	
KING, CURTIS J	

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
12/22/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/583,020	RHELIMI, ALAIN	
	Examiner	Art Unit	
	CURTIS KING	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 December 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 15 June 2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Foreign Patent Documents EP-1013517A2, DE-10132031A1 and EP-1239420A1 did not come with an English translation, or explanation of relevance. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

2. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

3. The disclosure is objected to because of the following informalities: page 8, line 44 recites a “spectrum generator 44”. The spectrum generator in figure 3 labels the spectrum generator “54”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 3 recites the limitation "said checking means" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 2, 5, 7-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eiden (PG-Pub. No. 2002/0128030 A1) in view of Jonsson (Pat. No. 7,164,885).

1) In regard to claim 1, Eiden discloses a system for identifying an individual in an electronic transaction (¶0010), said system comprising:

a terminal (fig. 1: 300 and ¶0038 discloses that wireless terminal 300 may act as the mater terminal),

an independent portable device (fig. 1: 301 or 302 discloses as a wireless terminal which is the same as element 300 it's a matter of choice for which device is the master and which the device is the slave (independent portable device)) including a data processing means (fig. 3: 331 discloses as a central processor unit), and

a wireless coupling means (fig. 3: 310 discloses as a Low Power Radio Frequency transceiver (LPRF); note the reference also refers to the LPRF as the second circuit) for exchanging individual-identification data between said terminal and said portable device (¶0044 discloses the master terminal 300 detects the presence of the wireless terminals 301 or 302 and transmits a message by second circuit, hence, it is inherent that the message contains identification data of the master or the wireless terminals would not know who to communicate with);

a body-medium communication means (fig. 3: 340 and 350 and ¶0040 discloses that a PAN transceiver and group creation electrode is in each wireless device) including a transmitter in the terminal (fig. 3: 340 discloses as a transceiver, hence, if element 300 is the master terminal a ping is transmitted from the element 300 transceiver acting as a transmitter) and a receiver in the portable device (fig. 3: 340 discloses a transceiver, hence, if elements 301 and 302 are the normal wireless terminals (independent portable devices) elements 301 and 302 transceiver 340 are acting as the receiver), said body-medium communication means being adapted to transmit from the terminal to the portable device a connection code at the onset of a transaction upon physical contact established by the individual between the terminal and the independent portable device (¶0042-0043 discloses that a controller 342 (see

fig. 4A/B) connected to the transceiver 343 generates a ping signal that is transmitted by the transceiver (i.e., the terminal (master device) transmitted a connection code), which includes the identifier of the transmitting circuit, to the slave devices 301 and 302 through the body of the users of the system. ¶0042-0043 further discloses that ping signal was triggered by the user touching the electrode and the ping signal may include a class of device), and

a control means (fig. 3: 330 discloses as the central controller) conditionally issue to the terminal through said wireless coupling means a signal for enabling further execution of said transaction in response to said connection code (¶0047 discloses that the portable device transmits a control signal to the master terminal upon the arrival of the ping signal sent through the body of the users, thus, which is the on start of communication between the two devices).

Eiden does not disclose that the control means in the independent portable device adapted to check said connection code received and conditionally issue to the terminal through said wireless coupling means a signal for enabling further execution of said transaction in response to said connection code complying with predetermined criteria.

Jonsson discloses that the class of device portion of the code is used to so that only devices which belong to that class will answer the inquiry (col. 1, lines 44-50).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made that the controller in Eiden would have the ability to check the connection code transmitted by way of the ping signal to check if the portable device

is suppose to answer to the transmitted ping signal, as taught by Jonsson. The combination of Eiden in view of Jonsson would yield to the claim limitation "transmitting from the terminal to the portable device a connection code, and a control means in the independent portable device adapted to check said connection code received and conditionally issue to the terminal through said wireless coupling means a signal for enabling further execution of said transaction in response to said connection code complying with predetermined criteria."

The motivation would be to increase the possibility that the device that the terminal choose to connect to can offer the requested service (Jonsson col. 1, lines 50-52).

2) In regard to claim 2 (dependent on claim 1), Eiden and Jonsson further disclose the system as in claim 1, wherein said control means is further adapted to conditionally issue a signal for enabling the operation of said wireless coupling means before further execution of said transaction (Eiden fig. 6 and ¶0044 and ¶0047 discloses that physical contact may be initiated and once physical contact is initiated a ping signal is sent from the master terminal to the slave terminal then in step slave terminals send a reply through wireless communication).

3) In regard to claim 5 (dependent on claim 1), Eiden and Jonsson further disclose the system as in claim 1, further comprising: a means for detecting an interruption of said physical contact established by the individual between the terminal

and the independent portable device (Jonsson ¶0040 discloses that the group creation electrode is used to establish a connection between the two devices and the controller detects when the electrode is pushed, thus, the controller inherently knows when the electrode is not pushed (i.e., interruption between the two devices)).

4) In regard to claim 7 (dependent on claim 1), Eiden and Jonsson further disclose the system as in claim 1, wherein said body-medium communication means is a one-way communication means (Eiden ¶0043 discloses the ping signal transmitted through the bodies of the users is only used to initiate communication, thus, the communication means is one-way).

5) In regard to claim 8 (dependent on claim 1), Eiden and Jonsson further disclose the system as in claim 1, wherein said body-medium communication means is a non-secure communication means (Eiden ¶0042 discloses that in order for the signal to be free of eavesdropping a low frequency carrier is used, thus, no security is provided between the two transceivers of the communication devices).

6) In regard to claim 9 (dependent on claim 1), Eiden and Jonsson further disclose the system as in claim 1, wherein: said connection code transmitted to the independent portable device includes

terminal-type identification data (Eiden ¶0043 discloses as class of device),

said control means is further adapted to check said terminal-type identification data received by the independent portable device with respect to corresponding data stored in the independent portable device (Jonsson col. 1, lines 44-50 discloses the class of device portion of the signal is used so that devices which belongs to the indicated class will answer the inquiry, thus, it is inherent that the control means would have to check the class of device to insure if the device receiving the signal is suppose to answer the ping signal), and

said control means is further adapted to conditionally issue said signal for enabling further execution of the transaction in response to said terminal-type identification data complying with corresponding data stored in the independent portable device (Eiden ¶0047 discloses that the portable device transmits a control signal to the master terminal upon the arrival of the ping signal sent through the body of the users, thus, which is the on start of communication between the two devices).

7) In regard to claims 12 and 13, claims 12 and 13 are rejected with respect to claim 1 the system claim.

9. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eiden (PG-Pub. No. 2002/0128030 A1) in view of Jonsson (Pat. No. 7,164,885) and further in view of Hurwitz (PG-Pub. No. 2004/0019571).

1) In regard to claim 3 (dependent on claim 1), Eiden and Ogino discloses the system of claim 1.

Eiden and Ogino do not disclose wherein said checking means in the independent portable device includes a biometric sensor for checking biometric data of the individual upon physical contact established by the individual.

Hurwitz discloses a portable device includes a biometric sensor for checking biometric data of the individual upon physical contact established by the individual (¶0042).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify include a biometric sensor on the portable device of Eiden and Jonsson, as taught by Hurwitz for the predictable of insuring the authorized user is the one controlling the portable device.

The motivation would be to add an additional feature to the device in which provides unauthorized usage of the device in the event the device was stolen.

2) In regard to claim 4 (dependent on claim 3), Eiden, Jonsson and Hurwitz further disclose the system as in claim 3, wherein said biometric sensor is one selected from the group consisting of a fingerprint sensor, a voiceprint sensor and a subcutaneous ultrasonic sensor (Hurwitz ¶0042 discloses biometric sensor may be a fingerprint sensor).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eiden (PG-Pub. No. 2002/0128030 A1) in view of Jonsson (Pat. No. 7,164,885) and further in view of McAllister (Pat. No. 6,104,913).

1) In regard to claim 6 (dependent on claim 1), Eiden and Jonsson discloses the system as in claim 1.

Eiden and Jonsson do not disclose wherein said body-medium communication means includes Direct Sequence Spread Spectrum means.

McAllister discloses a Personal area network which transmits signals through the human body using Direct Sequence Spread Spectrum (col. 4, lines 35-37 and col. 4, lines 58-60).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the technique of Direct Sequence Spread Spectrum as taught by McAllister, to improve the portable device of Eiden and Jonsson with the predictable result of reducing interference during the communication process.

The motivation would be to improve the signal-to-noise ratio, as taught by McAllister (col. 5, lines 3-4).

11. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eiden (PG-Pub. No. 2002/0128030 A1) in view of Jonsson (Pat. No. 7,164,885) and further in view of Annola (PG-Pub. No. 2002/019796 A1).

1) In regard to claim 10 (dependent on claim 1), Eiden and Jonsson discloses the system as in claim 1 wherein the connection code is transmitted to the independent portable device.

Eiden and Jonsson do not disclose wherein the connection code includes first random data, said control means is further adapted to re-transmit said first random data

to the terminal through said wireless coupling means, and the terminal is adapted to check said re-transmitted first random data with respect to said first data transmitted in the connection code.

Annola discloses a Bluetooth device procedure in which the first device (i.e., the terminal) transmits a random number to a second device and the second device re-transmits the random number during the pairing of the devices (¶0067 it is inherent that the first device checks the re-transmitted random number to see if the random number matches the random number the first device transmitted).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the technique of transmitting a random number to the portable device of Eiden and Jonsson from a first device to confirm that the two devices are able to communicate with one another, as taught by Annola. The combination of Eiden, Jonsson and Annola would yield to the claim limitation "wherein the connection code includes first random data, said control means is further adapted to re-transmit said first random data to the terminal through said wireless coupling means, and the terminal is adapted to check said re-transmitted first random data with respect to said first data transmitted in the connection code."

The motivation would be to add an additional feature to the device in which will allow the two devices communicating to one another a way to insure that the signal sent from the first device was received by the second device.

2) In regard to claim 11 (dependent on claim 1), Eiden and Jonsson discloses the system as in claim 1 wherein the connection code is transmitted to the independent portable device.

Eiden and Jonsson do not disclose wherein the connection code includes second random data, said control means is further adapted to store said second random data received, the terminal is further adapted to issue a re-transmission request to the independent portable device through said wireless coupling means, said control means is further adapted to re-transmit to the terminal said stored second random data upon reception of said re-transmission request, and the terminal is further adapted to check said re-transmitted second random data with respect to the initially transmitted second random data.

Annola discloses a Bluetooth device procedure in which the first device (i.e., the terminal) transmits a random number to a second device and the second device stores the random number. Annola further discloses that the random number is needed for the pairing of the devices (¶0067 which is interpreted as the random number is transmitted from the second device to the first device upon a transmitted request from the first device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the technique of transmitting a random number from a first device to a second device and use the random number throughout the communication process, as taught by Annola. The combination of Eiden, Jonsson and Annola would yield to the claim limitation “wherein the connection code includes

second random data, said control means is further adapted to store said second random data received, the terminal is further adapted to issue a re-transmission request to the independent portable device through said wireless coupling means, said control means is further adapted to re-transmit to the terminal said stored second random data upon reception of said re-transmission request, and the terminal is further adapted to check said re-transmitted second random data with respect to the initially transmitted second random data."

The motivation would be to add an additional feature to the device in which will allow the two devices communicating to one another a way to insure that the signal sent from one device is the signal sent from that device and vice versa.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Coppersmith (Pat. No. 5,796,827)

-- Similar inventive concept

2) Doi (Pat. No. 6,864,780 B2)

-- Similar inventive concept

3) Fukumoto (Pat. No. 6,223,018 B1)

-- Similar inventive concept

4) Tajima (Pat. No. 6,441,721 B1)

-- Similar inventive concept

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CURTIS KING whose telephone number is (571)270-5160. The examiner can normally be reached on Mon-Thurs 7:30 - 6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee can be reached on (571)272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ck/

/BENJAMIN C. LEE/

Supervisory Patent Examiner, Art Unit 2612